

file 74-0678
4R 12471

11 April 1974

Mr. Robert L. Saloschin
Office of Legislative Counsel
Department of Justice
Washington, D. C. 20530

Dear Mr. Saloschin:

Thank you for the materials concerning possible amendments to S. 2543 or H.R. 12471, transmitted by your buck slip of yesterday. We will study this packet and get back to you as soon as possible and certainly within your deadline.

The item that I was referring to in my conversation with you, I believe late Monday, concerns the impact of the in camera inspection amendment to Exemption 3 of the Freedom of Information Act. A number of statutes which would appear to fall within Exemption 3 concern this Agency, the intelligence community and other defense agencies. One, namely, 50 U.S.C. 403(d)(3), is of particular importance to the protection of intelligence sources and methods. The in camera inspection provisions of S.2543 of course apply to Exemption 3 withholdings as well as all others and thus would impinge on the authority now provided by the various statutes. We believe this would seriously limit the ability of the departments to carry out national defense functions, it would override or conflict with statutory, as distinguished from executive, requirements and in any event, is not necessary in order to take advantage of the suggestion in Mink, which is the intention of the drafters. To meet this problem, we would propose an amendment to S. 2543 which would insert after the word "records":

" , other than records withheld under section 552(b)(3), involving, but not limited to, Restricted Data, intelligence sources and methods, and communications intelligence under sections 2162 of Title 42, 403(d)(3) and 403g of Title 50, 798 of Title 18 and 73 Stat. 64."

The NSA and AEC, with whom we have discussed this matter, are concerned in this regard also, but I am not informed as to just what steps they may be taking to seek relief.

Sincerely,



Associate General Counsel

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